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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

Case No: 3:13-cv-04280 YGR/EDL

Indiezone, Inc., a Delaware corporation, and  
EoBuy, Limited an Irish private limited  
company,

Plaintiffs,

vs.

Todd Rooke, Joe Rogness, Phil Hazel, Sam  
Ashkar, Holly Oliver and U.S. Bank,  
collectively the ***RICO Defendants***;

Jingit LLC, Jingit Holdings, LLC, Jingit  
Financial Services LLC., Music.Me, LLC.,  
Tony Abena, John E. Fleming, Dan Frawley,  
Dave Moorehouse II, Chris Ohlsen, Justin  
James, Shannon Davis, Chris Karls in their  
capacities as officers, agents and/or employees  
of Jingit LLC, ***Defendants in Negligence, and  
Aiding/Abetting***;

Wal-Mart, General Electric, Target, DOE(s)  
and ROE(s) 1 through 10, ***Defendants in  
Negligence Secondary-Vicarious  
Infringement***,

Defendants.

**DECLARATION OF DOUGLAS R. DOLLINGER  
IN SUPPORT OF THE MOTION TO AMEND  
THE SUMMONS AND COMPLAINT AND IN THE  
THE ALTERNATIVE FOR PERMISSIVE JOINDER  
OF PARTIES FED. R. CIV. P. 15(a) & 20(a).**

1 Douglas R. Dollinger declaring to the Court on this 21<sup>st</sup> day of February in support of the  
 2 Motion herein from which Indiezone and eoBuy seek to amend the Summons and Complaint in  
 3 this action pursuant to Fed. R. Civ. P. 15(a), and in the alternative for Permissive Joinder of an  
 4 new or additional a party pursuant to and Rule 20(a) for good cause show.<sup>1</sup>

5 The instant declaration is based on an investigation into the facts in this case, books,  
 6 records and other official filings and involves interviews with multiple individuals-attorneys  
 7 and investigators, my clients and research/investigations being conducted both here in the  
 8 United States and in Ireland.

9 The amendment seeks to add or correct the corporate entity naming eoBuy Ventures  
 10 Limited, a company formed under the laws of Ireland doing business as eoBuy Ltd., as the intended  
 11 Plaintiff so named in this action or to add eoBuy Ventures Limited as the substitute corporate entity  
 12 with a new caption to the summons and complaint. **[See, Exhibit "A" the Proposed Amended**  
 13 **Caption to the Summons and Complaint in compliance with the Fed R. Civ. P. ]**

14 Defense Counsel has not consented to the amendment or the addition/substitution of a  
 15 new Plaintiff.

#### 16 **Preliminary Statement**

17 The instant matter arises out of claims for the theft and conversion of Plaintiff  
 18 eoBuy's and Plaintiff Indizones' IP-Property where over the course of the past two plus  
 19 (2+) years each defendant has engaged in or can be implicated in the illegal schemes  
 20 involving but not limited to organized racketeering activity in violation of the RICO  
 21 statutes: 18 USC §§1961(4) et seq., 1962 (a)-(d), 1963(3)(b)(2), 1341, 1443, 371, 1951,  
 22 1956 and 1957. **[DE 1.]**

#### 23 **Background**

24 In response to the Defendants' Motions to Compel Arbitration, Dismiss or Stay these  
 25 proceedings by way of the claims of the Defendants it was discovered that the original  
 26 corporate entity eoBuy Ltd., which existed during the initial assignment stages and formation  
 27 of the eoBuy IP had been administratively dissolved in or about 2008. **[DE 29-35.]**

28 <sup>1</sup> Although no responsive pleading has been filed by any of the Defendants Rule 15(a) requires  
 compliance with Rule 20(a).

1 Based on conversations with Conor Fennelly CEO of eoBuy and Indiezone on or about  
2 November 15th 2007, the Board of Directors of eoBuy Ltd., for reasons of revising the  
3 shareholder structure and settlement of claims, a vote was taken allowing the company to  
4 administratively dissolve on April 1, 2008. [DE 54-1.]


5 Prior to the foregoing, eobuy's IP and licenses were assigned to EoBuy's holding  
6 corporation Amdex, Pte. Several months later the IP and licenses were transferred back into the  
7 newly formed company eoBuy Ventures Limited a company formed under the laws of Ireland.  
8 eoBuy Ventures limited has been doing business as eoBuy since August 2008 and has remained  
9 the eoBuy IP repository since that date. CEO Fennelly did not understand the implications of  
10 simply using the name eoBuy and when he provided the name of the entities as Plaintiff did not  
11 advise this office of the actual name of the entity as the intended Plaintiff, eoBuy Ventures  
12 Limited. [DE 54-1.]

13 Apparently, these facts are not new, nor were they unknown to the Defendants Rooke and  
14 Rogness. It was during this period they were negotiating equity positions for themselves. In  
15 response to the requests of Rooke and Rogness concerning the desire to obtain eoBuy equity each  
16 were advised specifically that the shareholders of eoBuy were limited and that none could be  
17 issued to them. [DE 54-1.]

18 Plaintiff is now seeking leave to amend the summons and complaint for the reasons set  
19 forth above. [DE 54-1.]

20 The facts in this case arise out of the same transaction, occurrence, or series of  
21 transactions or occurrences and represent a criminal enterprise among the **RICO Person**  
22 **Defendants** as *an association in fact* involving the foregoing **RICO Enterprise**  
23 **Entities/Members**.

24 Defendants have served and filed their Motions to Compel, Dismiss and otherwise  
25 Stay these proceeding but have not yet filed a responsive pleading from which any  
26 prejudice could be claimed. [DE 29-35.] Under the circumstance, and especially for the  
27 reason that no discovery has been had, including depositions of the parties, Plaintiffs'  
28 Motion should be granted.



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& Associates

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**Bar No. N.Y. 2354926 Fed. No. 5922**

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**CERTIFICATE OF SERVICE**

I hereby certify that, in accordance with the Rules of Federal Procedure, on the this date February 21, 2014, a true and correct copy of the foregoing document was delivered to Defendants, by and through the ECF System to their record counsel.

  
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